

A2 (ii) caspase activity  
to diagnose chronic immune disease activity in said subject.

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REMARKS

In view of the above amendments and the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-10, the only claims pending and currently under examination in this application.

In the above amendments, the claims have been amended to remove the phrase "lacks RNaseL activity" and to otherwise clarify language as requested by the Examiner. The claims have also been amended to limit the fragment of interest to one that has a molecular weight of from about 35 to about 45 kDal, support for this amendment being found in the specification at page 7, line 2. Attached hereto is a marked up version of the changes made to the claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."** As the above amendments introduce no new matter to the application, the Examiner is respectfully requested to enter these amendments.

Claims 1 to 10 have first been rejected under 35 U.S.C. § 112, 1st ¶, for the asserted reason that RNaseL fragments that lack activity have not been enabled. In view of the removal of this language from the claim, this rejection may be withdrawn.

Claims 1 and 6 have also been rejected under 35 U.S.C. § 112, 2nd ¶, for the asserted reason the claim language is indefinite. In view of the above amendments to Claims 1 and 6, this rejection may be withdrawn.

In view of the above amendments and remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issue.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815.

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the claims:**

1. (Once Amended) A method for diagnosing whether a host suffers from a chronic immune disease, said method comprising:  
assaying a sample from said host for the presence of at least one low molecular weight RNase L fragment having a molecular weight of from about 35 to about 45 kDal  
~~which lacks RNase L activity, to obtain assay results; and~~  
~~determining to determine~~ whether said host suffers from a chronic immune disease ~~using said assay results;~~  
~~whereby said host is diagnosed for said chronic immune disease.~~
  
6. (Once Amended) A method of diagnosing chronic immune disease activity in a human subject, said method comprising:
  - (a) obtaining a sample from said subject;
  - (b) assaying said sample for: (i) the presence of at least one RNase L fragment having a molecular weight of from about 35 to about 45 kDal ~~which lacks RNase L activity;~~ and (ii) caspase activity; ~~to obtain assay results; and~~  
(c) ~~using said assay results~~ to diagnose chronic immune disease activity in said subject.